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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,367	03/22/2004	Vincent C. Moyer	10040349-1	9704
57299	7590	02/26/2008		
Kathy Manke Avago Technologies Limited 4380 Ziegler Road Fort Collins, CO 80525			EXAMINER CHOWDHURY, AFROZA Y	
			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			02/26/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/806,367

Applicant(s)

MOYER ET AL.

Examiner

Afroza Y. Chowdhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 7-16, 19, and 21-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 17, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on **November 2, 2007** has been entered.

Claims 1-27 are currently pending. Applicant's arguments are addressed herein below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jackson** (US Patent 4794384) in view of **Chang et al.** (US 2004/0246232).

As to claim 1, Jackson discloses an optical mouse where an optics module (fig. 2) including an at least partially coherent light source (fig. 2(12), col. 3, lines 60-67) with at least one surface (fig. 2(30)) of the optics module exposed to an opening (fig. 2(68)) of the optical mouse (fig. 2(10)).

Jackson does not teach any barrier for the optical cursor control device.

Chang et al. teaches an optic mouse including a barrier (fig. 2(122), page 2, [0015], lens).

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Therefore, it would have been obvious to one skill in the art at the time of invention was made to combine the two optical mice of Chang et al. and Jackson to construct an optical mouse with a barrier between a contaminant and at least one exposed surface of optical module in order to neutralize contaminants.

As to claim 17, Jackson teaches an optical mouse, the mouse comprising:
a housing (fig. 2(22)) having a surface with an opening (fig. 2(68));
a optics module (fig. 2) including a substantially coherent light source (fig. 2(12), col. 3, lines 60-67) disposed within the housing (fig. 2(22)) with at least one surface of the optics module exposed (fig. 2(30)) to the opening (fig. 2(68)) of the housing (fig. 2(22)) and an environment external (fig. 2(14)) to the opening.

Jackson does not teach any barrier for the optical cursor control device.

Chang et al. teaches an optic mouse including a barrier (fig. 2(122), page 2, [0015], lens).

Therefore, it would have been obvious to one skill in the art at the time of invention was made to combine the two optical mice of Chang et al. and Jackson to make an optical mouse with a barrier between a contaminant and at least one exposed surface of optical module in order to neutralize contaminants.

As to claim 20, Chang et al. teaches a mouse wherein the barrier structure comprises: a transparent element (fig. 2(122), page 2, [0015], lens) positioned to block

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the opening of the housing.

4. Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jackson** (US Patent 4794384) in view of **Chang et al.** (US 2004/0246232) and in further view of **Bean et al.** (US 2002/0180880).

As to claim 18, Jackson (as modified by Chang et al.) discloses an optical mouse with a barrier.

Jackson (as modified by Chang et al.) does not teach a barrier with an anti-static coating.

Bean et al. teaches a lens with a conductive coating (page 1, [0013]).

Therefore, it would have been obvious to one skill in the art at the time of invention was made to use the idea of Bean et al. of using conductive coating on a surface into the optical mouse of Jackson (as modified by Chang et al.) to construct an optical mouse with an anti-static coating on a portion of the at least one exposed surface of the optics module in order to repel contaminants.

Allowable Subject Matter

5. Claim 6 is allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: As argued by the Applicant on page1-2 of Remarks, dated **November 2, 2007**, prior art does not show, "**analyzing the first image to identify an interference pattern**

associated with a contaminant and identifying the interference pattern as a contaminant if a parameter of the interference pattern exceeds a threshold value"
in combination with other limitations of claim 6.

Response to Arguments

7. Applicant's arguments filed on **November 2, 2007** have been fully considered but some of them are not persuasive.

Applicants argue that there is no motivation to combine the references of Jackson and Chang et al. as proposed by the Examiner. The Examiner respectfully disagrees to this statement.

Jackson teaches an optical mouse with an opening (fig. 2) and a coherent light source (fig. 2(12), col. 3, lines 60-67) disposed within the housing (fig. 2(22)) but there is no barrier in the mouse between a contaminant and at least one exposed surface. Chang et al teaches an optic mouse where the opening (fig. 2(121)) is completely covered by a lens (fig. 2(122), [0015]). Therefore, it is obvious to one skill in the art to recognize to incorporate the idea of Chang et al. using a lens to cover the opening into Jackson's optical cursor control device to construct an optical mouse with a barrier between a contaminant and at least one exposed surface of optical module in order to neutralize contaminants.

Jackson and Chang et al. both teaches an optical mouse. Since both references are in the same art invention, these two references can be combined.

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It is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afroza Y. Chowdhury whose telephone number is 571-270-1543. The examiner can normally be reached on 7:30-5:00 EST, 5/4/9.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC
2/15/2008



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